

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-112-D


PEDRO HERNANDEZ MACIN,)
)
 Plaintiff,)
)
 v.)
)
 TOREROS XI, INC. d/b/a TORERO'S)
 MEXICAN RESTAURANT,)
 NARCISCO BALDOVINOS, MIGUEL)
 GOMEZ, and ARIAS-BALDOVINOS,)
 GARCIA-CAMACHO #1, INC.,)
)
 Defendants.)

ORDER

On February 4, 2011, plaintiff filed a motion to strike the fourth, fifth, and sixth defenses in defendants' answer [D.E. 48]. In response, defendants withdrew their defenses of unclean hands, laches, unjust enrichment, and waiver, sought leave to withdraw the defense of estoppel, and sought leave to amend their sixth defense [D.E. 51].

The court permits defendants to file an amended answer setting forth facts in support of their fourth defense, withdrawing their fifth defense, and clarifying their sixth defense. Defendants shall file an amended answer not later than May 23, 2011. Plaintiff's motion to strike [D.E. 48] is DENIED as moot.

SO ORDERED. This 11 day of May 2011.


JAMES C. DEVER III
United States District Judge